

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN JOSE SALGUERO, OLVIN RAMON
RODRIGUEZ, ALICIA RIVERIA GARCIA,
THANIA VELASCO, CARLOS ROBERTO
GARCIA, and YOVANY SIFORTES PINTO, on
behalf of themselves and all others similarly situated,

Civil Action No.: 12-CV-0635
(JFB)(AKT)

Plaintiffs,

-against-

JVK OPERATIONS LIMITED, VINOD SAMUEL,
and MICHAEL CONNELL,

Defendants.
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**MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT, CONDITONAL
CERTIFICATION OF THE §216(b) COLLECTIVE CLASS AND RULE 23
SETTLEMENT CLASS, APPOINTMENT OF PLAINTIFFS' COUNSEL AS
CLASS COUNSEL, AND APPROVAL OF PLAINTIFFS' PROPOSED NOTICE
OF SETTLEMENT AND CLASS ACTION SETTLEMENT PROCEDURE**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the §216(b) Collective Class and Rule 23 Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement and Class Action Settlement procedure ("Motion for Preliminary Approval") and in the Declaration of James W. Versocki in Support of Plaintiffs' Motion for Preliminary Approval ("Versocki Dec."), Plaintiffs respectfully request that the Court enter an Order:

(1) granting preliminary approval of the Revised Joint Settlement and Release ("Settlement Agreement") including the proposed schedule for final settlement approval and distributions, attached as Exhibit B to Versocki Dec.;

(2) conditionally certifying the following collective action class under § 216(b) of the Fair Labor Standards Act for purposes of effectuating the settlement:

all persons who have worked for defendants JVK Operations Limited, Vinod Samuel and Michael Connell (“JVK”) as hourly, non-exempt employees on the production and distribution lines of the JVK facility located in Amityville, New York (excluding drivers, supervisors, and management personnel) anytime between February 9, 2006 and March 31, 2012.

Plaintiffs have contemporaneously submitted a proposed “Notice of Pendency” to members of the § 216(b) collective class, attached hereto as Exhibit “1” for the Court’s review and approval.

(3) conditionally certifying the following settlement class under Fed. R. Civ. P. 23(a) and (b)(3) for purposes of effectuating the settlement:

all persons who have worked for defendants JVK Operations Limited, Vinod Samuel and Michael Connell (“JVK”) as hourly, non-exempt employees on the production and distribution lines of the JVK facility located in Amityville, New York (excluding drivers, supervisors, and management personnel) anytime between February 9, 2006 and March 31, 2012.

Plaintiffs have contemporaneously submitted a “Proposed Notice of Settlement of Class Action Lawsuit and Fairness Hearing” for distribution to members of the Rule 23 class, attached hereto as Exhibit “2” for the Court’s review and approval.

- (4) appointing Archer, Byington, Glennon & Levine LLP as Class Counsel;
- (5) approving Plaintiffs’ Proposed Order attached hereto as Exhibit “3,” and directing its distribution;
- (6) granting such other, further, or different relief as the court deems just and proper.

* * *

Dated: Melville, New York
June 27, 2014

Respectfully submitted,

ARCHER, BYINGTON, GLENNON & LEVINE LLP

By: /s/ James W. Versocki

James W. Versocki

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